

1 BILL NO. Z-85-08-27

2 ZONING MAP ORDINANCE NO. Z-Lusk

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. I-31.

5
6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
7 WAYNE, INDIANA:

8 SECTION 1. That the area described as follows is hereby
9 designated a B-1-A (Limited Business) District under the terms of
10 Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

11
12 Lots #1 & #2 in Waynedale Gardens Addition to
13 the City of Fort Wayne, Indiana

14 and the symbols of the City of Fort Wayne Zoning Map No. I-31, as
15 established by Section 11 of Chapter 33 of the Code of the City of Fort
16 Wayne, Indiana are hereby changed accordingly.

17 SECTION 2. That this Ordinance shall be in full force
18 and effect from and after its passage and approval by the Mayor.

19
20 Mark B. Reed
21 COUNCILMEMBER

22 APPROVED AS TO FORM AND LEGALITY:

23 B. O. Boxberger
24 BRUCE O. BOXBERGER, CITY ATTORNEY
25
26
27
28
29
30
31
32

Read the first time in full and on motion by Redd, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Legislation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.

DATE: 8-27-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd, seconded by Stier, and duly adopted, placed on its passage. ~~PASSED~~ (LOST) by the following vote:

| | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> | <u>TO-WIT:</u> |
|--------------------|-------------|-------------|------------------|---------------|----------------|
| <u>TOTAL VOTES</u> | <u>-0-</u> | <u>8</u> | <u>1</u> | | |
| <u>BRADBURY</u> | | <u>✓</u> | | | |
| <u>BURNS</u> | | | <u>✓</u> | | |
| <u>EISBART</u> | | <u>✓</u> | | | |
| <u>GIAQUINTA</u> | | <u>✓</u> | | | |
| <u>HENRY</u> | | <u>✓</u> | | | |
| <u>REDD</u> | | <u>✓</u> | | | |
| <u>SCHMIDT</u> | | <u>✓</u> | | | |
| <u>STIER</u> | | <u>✓</u> | | | |
| <u>TALARICO</u> | | <u>✓</u> | | | |

DATE: 10-8-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____ on the _____ day of _____, 19____,

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

WIN MOSES, JR., MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

THIS IS TO BE FILED IN DUPLICATE

INTENDED USE Proposed Florist Shop

I/We _____
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 R1 District to a/an B-1 B1 District the property described as follows:

Lots # 1 & 2 Waynedale Gardens Additions. More commonly know as 2601 Mc Arthur Drive

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 2601 Mc Arthur Drive- Fort Wayne, In. 46809

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

| | | |
|-------------------|-------------------------|--------------------|
| <u>W.H. Hanke</u> | <u>622 W. Creighton</u> | <u>[Signature]</u> |
| _____ | _____ | _____ |
| (Name) | (Address) | (Signature) |

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.
James E. Ebbing 11514 Theile Road, Fort Wayne, In. 46819 747-2822
James E. (Name) Ebbing (Address & Zip Code) (Telephone Number)

PURCHASER-SUBJECT TO ZONING

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Lots # 1 & 2 Waynedale Gardens Addition

Owners of Property

| | | |
|-------------------|----------------------|-------------------|
| <u>W.H. Hawke</u> | <u>622 Creighton</u> | <u>W.H. Hawke</u> |
| <hr/> | <hr/> | <hr/> |
| <hr/> | <hr/> | <hr/> |
| <hr/> | <hr/> | <hr/> |
| <hr/> | <hr/> | <hr/> |
| (Name) | (Address) | (Signature) |

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

APPLICANT - SUBJECT TO REVIEW

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 27, 1985, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-08-37; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 19, 1985;

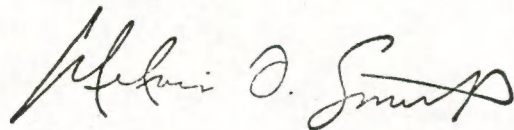
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 26, 1985.

Certified and signed this
4th day of September 1985.



Melvin O. Smith
Secretary

FACT SHEET

Bill No. Z-85-08-37

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

2601 McArthur Drive

Reason for Project

Retail Florist Shop or Barber Shop

Discussion (Including relationship to other Council actions)August 19, 1985 - Public Hearing

Perry Shultz, attorney for the prospective purchaser, James Ebbing stated that Mr. Ebbing wanted to use this property as a Florist Shop or a a barber shop. He stated that the structure on the property has always been used for business, but the property was downzoned in 1973 from a B-1-A to a R-1 and since its downzoning it has not been used as a residential structure. He stated that it is poorly maintained and presently is an eyesore. He stated that the type of business that Mr. Ebbing was suggesting would not be a burden to the traffic. He stated that a small retail outlet would benefit from it.

Edith Kenna stated that she did feel this would be spot zoning, but thought it had viability as a Use Variance.

David Kiester stated that he too shared Mrs. Kenna's opinion with regard to the viability of a Use Variance on this property.

Keith Crider, 2904 McArthur Drive supported the rezoning petition.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**W.H. Hanke
City Department

Other

Opponents**Groups or Individuals**

Marvin Crell, atty, representing residents

Basis of Opposition

- detriment to area
- add to traffic congestion
- devalue property in area

**Staff
Recommendation**☐ For ☒ Against**Reason Against**

- spot zoning
- adverse impact on area

**Board or
Commission
Recommendation****By**☐ For ☒ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other☐ Pass (as amended) ☐ Hold☐ Council Sub. ☐ Do not pass

DETAILS

Ben Eisbart made a part of the record a remonstrance with 27 signatures, along with a letter from Mrs. Richard Patton who had solicited the signatures.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

26 August 1985 - Business Meeting

Motion was made to deny and carried.
Of the nine members present 8 voted in favor of denial and one (1) did not vote.

POLICY/ PROGRAM IMPACT

| | |
|-------------------------------|--|
| Policy or Program Change | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| | |
| | |
| | |
| Operational Impact Assessment | |
| | |
| | |
| | |

(This space for further discussion)

Project Start

Date June 12, 1985

Projected Completion or Occupancy

Date 9 September 1985

Fact Sheet Prepared by

Patricia Biancaniello

Date 9 September 1985

Reviewed by

Date 9 September 1985

Gary Baetz

Reference or Case Number

9 September, 1985

ORIGINAL

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE _____ Zoning Ordinance Amendment

3-85-08-36³⁷

DEPARTMENT REQUESTING ORDINANCE _____ Land Use Management - CD&P

SYNOPSIS OF ORDINANCE _____ Lots 1 & 2 in Waynedale Gardens Addition, more
commonly known as 2601 McArthur Drive.EFFECT OF PASSAGE _____ Property is now zoned R-1 - Single Family Residential.
Property will be zoned B-1-A - Limited Business District.

EFFECT OF NON-PASSAGE _____ Property will remain - R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____

RECEIPT

Cash

No 12051

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND.,

7-17

19

85

RECEIVED FROM

James Chasing
Fifty

\$

50.00

THE SUM OF

100

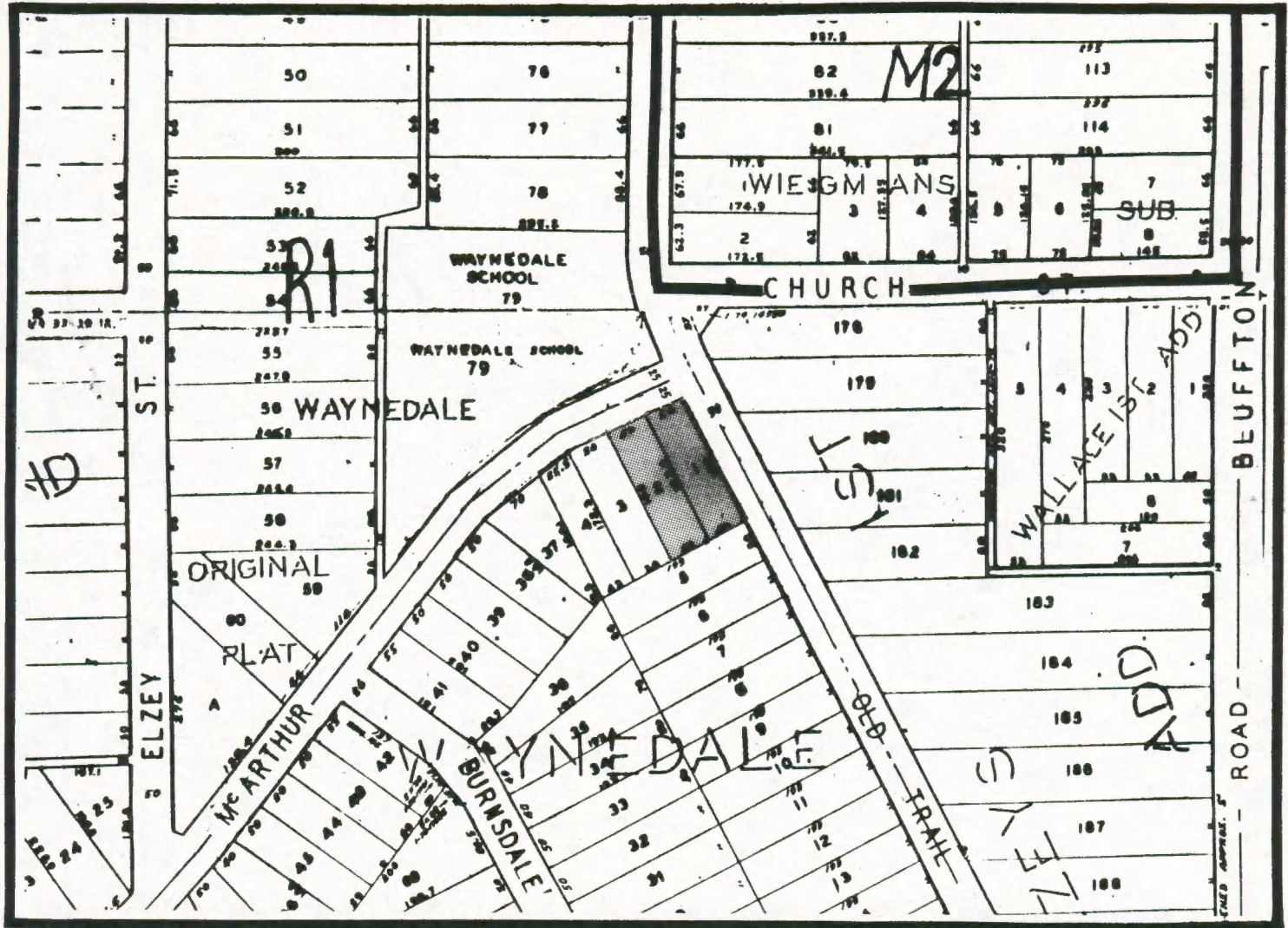
DOLLARS

ON ACCOUNT OF

Reprising 2601
Robert
Tapp

AUTHORIZED SIGNATURE

GENERAL LOCATION MAP FOR 2601 McARTHUR DRIVE



Zoning:

Land Use:

R1 RESIDENTIAL DISTRICT
M2 GENERAL INDUSTRY

BILL NO. Z-85-08-37

Scale: 1" = 200'

27

Date: 7-29-85

NORTH



L.W.

BILL NO. Z-85-08-37

John
Out

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of

Fort Wayne Zoning Map No. I-31

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~)

YES

NO

CHARLES B. REDD
CHAIRMAN

Charles B. Redd

JANET G. BRADBURY
VICE CHAIRWOMAN

Janet G. Bradbury

JAMES S. STIER

BEN A. EISBART

Ben A. Eisbart

DONALD J. SCHMIDT

CONCURRED IN

10-8-85

SANDRA E. KENNEDY
CITY CLERK